

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

2. The petitioner reported to PATH that he had gross income of \$1,785.86 in September of 2003. After a \$90 employment expense deduction, PATH determined that the amount was in excess of program maximums and notified the petitioner on October 14, 2003 that his VHAP benefits would end on November 1, 2003.

3. The petitioner earns a base income of \$1,544 per month from his employment and often has overtime amounting to \$140 or more per month.

4. PATH has agreed to reimburse the portion of his premium which covered the months of November and December of 2003.

ORDER

The decision of PATH terminating the petitioner's VHAP is affirmed.

REASONS

The VHAP program is only available to individuals who have "countable income under the applicable income test." VHAP 4001.8. Countable income is figured by subjecting the individual's gross income to available deductions. VHAP 4001.81. The only deduction for which the petitioner is eligible is the \$90 "standard employment expense deduction." 4001.81(e). The petitioner's countable income for VHAP purposes at the time his benefits were closed was \$1,695.86 (\$1,785.86 minus \$90). The maximum countable income for a single individual without dependents in the VHAP program is \$1,123 per month. P-2420B. PATH was correct in determining that the petitioner's income was in excess of program maximums and that his eligibility should cease. It appears that the

petitioner's income has continued to be well-above program maximums in the months since the closure. As PATH has acted in accord with its regulations, the Board is bound to uphold the result. 3 V.S.A. § 3091(d), Fair Hearing Rule 17.

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